STATEMENT BY MR. NATARAJA PILLAI.

MR. P. S. NATARAJA PILLAI: Sir, I wish to make an explanatory statement. It is reported in the papers that the President expressed an opinion yesterday afternoon that the withdrawal of my friends including myself on these benches from the House was a mark of disrespect to the President, and to the message of the Gracious Sovereign, Sir. I wish to state that does not represent a true state of affairs, and it does not fit with facts. What took place yesterday was rightly or wrongly, the President of the Assembly included in the agenda motions to discuss the proposed reforms announced in the Press Communique. It was not the Royal Proclamation, conferring the constitution that was under discussion. That is a question of Royal prerogative. According to me, it does not arise here and the announcement itself by a Press Communique was to invite public opinion. I thought it to be so, or else according to me it has no place. A Royal proclamation would have been sufficient. Opinion was canvassed by means of the Press Communique to advise His Highness and it is the duty of the Dewan to so advise and as far as I know, Our Sovereign never acts against the advice of the Dewan. The Press Communique invites public opinion and we take it as such. Therefore it was the duty of the representatives of the people to reflect public opinion and we thought it our duty to do it.

Now as it has been ruled out, Sir we bowed to your ruling; but there is no constitutional method other than the one we adopted to mark our protest and we did so by a walk out. We believe that no wrong has been done. Sir, to characterise our action as disrespect to Sovereign, is an act neither fair nor just. Our loyalty and duty to the Sovereign is well known and is rather ingrained in us and I for one refuse to take lessons from any one in the matter of loyalty to Our Sovereign.

I once more reiterate that we withdrew as a mark of protest and not as a show of disrespect to Our Sovereign.

PRESIDENT: I am very glad that this question has been raised in the present form and I feel that in view to the obvious misconceptions that have arisen, the matter should be made perfectly clear and I proceed to do so.

I am willing to accept, especially as it comes from Mr. Nataraja Pillai for whom personally I have great regard and I am willing to accept his assurance, that no disrespect was intended to His Highness. But on almost every other matter on which he has spoken and in respect of every sentence he has uttered I must beg leave to differ for reasons which I shall presently explain.

The Press Communique that was issued was definite on this point that it did not invite public opinion; it was definite on this point because it made specific mention that on the lines of the Press Communique a proclamation was going to be made. That was made perfectly definite

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[President.]

and I may say that the Press Communique is an announcement of the intentions of His Highness through the Government of His Highness the Maharaja. After what may be called the introductory portion—"in view of the political and social developments that have taken place throughout the world" etc., etc. "His Highness *intends to inaugurate* the constitutional arrangements whose main features will be as follows.....:"

Therefore it is stated that there is going to be a proclamation and what the proclamation may contain is set out in this Communique. There is no warrant anywhere in this Communique for the interpretation that the members or the public are invited to offer their opinion. Of course, it goes without saying that opinion can be expressed by the Press and it is not the object of this Government to deny the public their fullest possible rights to canvass, oppose or controvert, every single feature of the scheme.

The first point that I desire to make clear is that this Press Communique is not an invitation of opinion but an announcement of a definite resolution of His Highness the Maharaja to introduce a Proclamation on these lines. That is why I said yesterday that it is on a line, on a piece, with the preceding steps taken by His Highness and his predecessors. From 1888 to 1932, Their Highnesses have *suo motu*, without any popular agitation or stimulus from the public, of their own free will, voluntarily, handed over, or delegated a portion of their power and prerogative to the people. This Press Communique is different from the previous things in the following way. On the previous occasions, the first announcement that the people had was the Proclamation itself. In the present case, this is an announcement that such a Proclamation will be made. Apart from that, it is a definite assertion of the intention of His Highness to promulgate a Proclamation on certain specified lines. Therefore everything that follows, that the rights, the privileges, and the prerogatives will be unaffected by these arrangements.—that the functions of the Legislature, the Executive, the Judiciary will be such and such—the whole of it, is going to be the contents of the Proclamation. That is the first point.

The second point is that we are working under a particular Act... ...You may raise criticism with regard to the framing or the wording of the Act. But what does that Act say? First of all, the Act makes it perfectly clear, that it shall not be lawful for the Government and the Assembly to consider any measure relating to the provisions of this Act and the rules framed thereunder. In so far as any constitution must necessarily abrogate or repeal or modify this Act or the rules thereunder, any measure sought to be dealt with by the Proclamation is a measure involving the provisions of this Act and the rules framed thereunder. Then I go to page 83 of the Legislative Manual. Under that, (Rule 55) it is said "Any matter of general public concern may be discussed in either Chamber subject to the following conditions. No such discussion shall be permitted in regard to any matter removed

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from the cognisance of the Chamber under Section 17 of the Act." If honourable members will look to page 85, the final consideration will be apparant.

> " Save as otherwise expressly provided (Rule 66 (a), page 85 of the Legislative Manual) no discussion on any matter of general public concern shall take place otherwise than on a resolution moved in accordance with the rule "

Pausing there for a moment, it is clear therefore that this can only be dealt with as a resolution. If it is to be dealt with as a resolution, the sub-clause begins to operate:

> "It shall not be permissible to the President or to the Government to give consent to the moving of a motion in regard to any of the subjects in regard to which a resolution cannot be moved "

Let me therefore go step by step in this matter. First of all, this Proclamation or the intention to issue a Proclamation necessarily involves the abrogation, annulment and the completest jettisoning of this Act and the rules thereunder. That being so, a resolution cannot be moved. If a resolution cannot be moved, any step which is not permissible to the President, whether the President first wanted to allow it or disallow it, is immaterial—is illegal under this constitution. It is absolutely illegal either for the President or for the Government to give consent to the moving of a motion in regard to any of the subject in regard to which a resolution cannot be moved. That resolution will affect the Act or rules thereunder. If a resolution cannot be moved on the subject, it is not legally possible either for the President or for the Government to allow or give consent to the moving of the resolution.

Then another point was raised, namely, that the President admitted the resolution. No doubt, that is so. I do not wish to deny for a moment that without advertence to the imperative character and the nature of the Act, I did admit the resolution, because I wanted as much discussion in the House as there will be outside. There is nothing, just as in the case of this Parliamentary Delegation, to prevent every single member of the House going outside the House and saying anything he likes about the paper or the Proclamation of His Highness. There is nothing to prevent that. But sitting in this Chamber, working under this Act and the rules thereunder, when you get a definite statement to this effect laid down in the Act that " it shall not be permissible to the President or the Government to give consent to the moving of any motion " the moment it was brought to my notice,—I do not mind freely conceding and confessing—I came to the conclusion that whatever admission had been made, what is illegal cannot be done. What is illegal would have been to move any motion or to give consent to the moving of any motion. Therefore, under the mandatory and imperative character of the rules I could not admit them and had to disallow them. Let it not be understood for a moment that there was any question of depriving people of the State of their full and free right to criticise any actions of Government or of His Highness. They have got that right. But I am working—and we are all working—under this Act, under the rules made under this Act, within this Chamber. Within this Chamber we are bound *ipsissima verba* by

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[President.]

every word of this Act and the rules thereunder, and if the rules say that it shall not be permissible, then, I submit that it is not open to discussion.

Then I go to the next point. Yesterday, knowing that such an objection may be taken, that such an attitude may be adopted, I prefaced my remarks carefully and definitely. I had thought that some of the members of the party or parties that walked out and walked in would have been fully aware of the implications of the promulgation. That is why, I definitely said and I fortified myself by saying that what I was going to say at the beginning of my remarks was the "transmission to this House of a message from His Highness." I said so four times successively and I have verified it from the verbatim report. What I said was that it was "a message from His Highness" meannig thereby that His Gracious Highness commanded me to communicate to his people through this House that he proposed to issue a Proclamation on these lines. He is not going to appoint a committee. If I or anybody else is to be attacked on that matter let the attack be on discernible lines. There is going to be no committee appointed in this matter. There is going to be no discussion on the main features of the Proclamation. His Highness has come to the conclusion that this is the extent to which at the present moment and for the time being he can divest himself of his rights and prerogatives and devolve them on or delegate them to his people and that is the determination of His Highness about the Proclamation. The wording of the Proclamation is what is now being disputed and I may say for the information of the House that the constitutional experts will have to be consulted, because the question of fundamental rights arises; the question of safeguards to the minorities arises. These have to be drafted with the greatest possible care. It is only the wording, the drafting of the Proclamation that is now engaging the attention of Government. The constitution of the immediate future is on the lines indicated in the Press Communique and that is why it was definitely said that "His Highness intended to inaugurate constitutional arrangements whose main features will be as follows." In other words, it is an advance communication of the intention of His Highness to promulgate a Proclamation containing the features which are stated in this communique. That being so, and having stated definitely that it was a message to that effect from His Highness and also having stated that any discussion was ruled out of order, the conduct of the honourable members was, in my opinion, indefensible. Whatever their rights and privileges might be outside this House, in this House we are governed by the Acts, by the Rules, and by the Standing Orders. In view of what I have pointed out it would be seen that it was an intention to promulgate a Proclamation, that it was a spontaneous divesting by His Highness to his people.....

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MR. K. A. MATHEW: How is it a Proclamation?

PRESIDENT: Order, order. It is an intention to promulgate a Proclamation and that is why I said it was a message by His Highness. I did not say it was the Proclamation. It was a message from His Highness that a Proclamation was going to be issued and that message was flouted, and was treated with scant courtesy.

MR. T. K. NARAYANA PILLAI: We repudiate it.

PRESIDENT: Order, order.' I reiterate that it was an act of gross discourtesy.

MR. K. A. MATHEW: Question.

PRESIDENT: If there is another interruption from any honourable members, those members will be asked to walk out of the House.

The position is this. It was my own opinion, as the President of this Assembly, that it was an act of definite and defiant discourtesy to the Message of His Highness which was imparted by me as emanating from His Highness, and therefore I reiterate what I said about discourtesy, notwithstanding my personal respect for many if not all of the members who walked out; notwithstanding that I am perfectly free to concede that they may have not fully understood the implications. I submit that when a statement was made by the Chairman of this House, the President of this Assembly, as conveying a message from His Highness, to walk out immediately after the message was delivered was an act of flagrant discourtesy to His Highness.

MR. K. SUKUMARAN: Now that the question of loyalty to His Highness has arisen.....

PRESIDENT: Order, order. It is not open to discussion.

MR. K. SUKUMARAN: What I am concerned is another subject in which the question of loyalty also arises. As Mr. P. S. Nataraja Pillai raised on the floor of this House—

PRESIDENT: Order, order. What he said was that—I accepted what he said—the people of the State specifically and generally and he included himself in this, were animated by sentiments of loyalty to His Highness. There is nothing further to be said on that matter.

MR. K. SUKUMARAN: I wish to bring to the notice of this House a matter of very serious import, viz, a demand and a threat advanced in a mammoth meeting held recently at Kanjirapalli and published in a full page head-line in a Kottayam newspaper this morning. The demand is that unless a small piece of social legislation proposed to be introduced by Sry. Narayani Amma in this House this evening is not withdrawn, there will be a demand for "Christistan" made by the Christian community in the State.

PRESIDENT: Order, order. If such a statement has appeared in that newspaper, they will be proceeded against immediately. That will have to be done by the Government acting under their own powers. There are very many demands for 'stans', and one more 'stan' is not going to discompose or disconcert the Government (*Laughter*). Action will be taken by the Government, but that does not arise here.

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MR. K. K. CHELLAPPAN PILLAI: May I know whether such a statement can be read in this House?

PRESIDENT: What I suggested was that it could not be reproduced here (Laughter).

NON-OFFICIAL LEGISLATIVE BUSINESS.

MEMBERS TO THE JOINT COMMITTEE ON THE TRAVANCORE DISPOSITION OF PROPERTY BILL.

MR. C. S. LAKSHMANA IYER: I give the following names for appointment as members of the joint committee on the Travancore Disposition of Property Bill.

Messrs. Puliyoor T. P. Velayudhan Pillai
,, T. K. Narayana Pillai
,, K. R. Narayanan
,, K. A. Mohammed
,, A. Nesamony
,, P. S. Nataraja Pillai
,, C. S. Lakshmana Iyer

RAJYASEVANIRATA S. CHATTANATHA KARAYALAR: There is no motion.

PRESIDENT: The point has been made that you have not mentioned any proposition which you are moving but only mentioned the names. What is your proposition?

MR. C. S. LAKSHMANA IYER: In pursuance of the decision of the President of the Sri Chitra State Council (under Standing Order 36) that the joint committee shall consist of 14 members,—seven from each House—I move that the members read out by me be appointed to the joint committee from this House.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Is it a select committee?

MR. C. S. LAKSHMANA IYER: I give the names of members belonging to this House and I believe that the other names from the Council will be given in connection with another Bill which will come up before that House.

RAJYASEVANIRATA S. CHATTANATHA KARAYALAR: I want to make the procedure clear on this point. There was a motion carried in this House that this Bill be referred to a joint committee of both Houses. We do not know exactly what happened since then—whether the House agreed to that motion and whether the number of members to be appointed to these committees had been fixed.

PRESIDENT: The motion that the Disposition of Property Bill be referred to a joint committee of both Houses was passed by the Assembly on 21-2-1945 and by the Council on 24-2-1945. The next step to be taken is to fix the number of members to be selected from each Chamber. Under Standing Order 36 (i) this has been done by the President. After the number is so fixed each House is to elect members for the joint committee. On that basis the number was fixed as 14—7 from each Chamber. The honourable member is now moving for the appointment of the seven members from this Chamber.

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